

**From:** Valeria Chomsky <[REDACTED]>  
**To:** "jeffrey E." <jeevacation@gmail.com>  
**Subject:** Fwd: Some proposals (update)  
**Date:** Fri, 30 Mar 2018 03:35:16 +0000

---

Noam hasn't sent this letter (below) with his response to the children yet. Do you have any suggestions?

Valeria

----- Forwarded message -----

**From:** jeffrey E. <jeevacation@gmail.com>  
**Date:** Thu, Mar 29, 2018 at 10:42 PM  
**Subject:** Re: Some proposals (update)  
**To:** Noam Chomsky <[REDACTED]>, Valeria Chomsky <[REDACTED]>

when did you receive it I spoke to max today for 45 minutes. . this is only and has only been about harry and the girls wanting the marital trust money. there is no other reason. sorry. I suggsted to max that since they believe the money is rightfully theirs to make a proposal to take some of the money now and leave you the rest. . max was willing to have the woman that you met , be the trustee. . I told max that litigation seems the next logical consequence. I also suggested beth trachtenberg at steptoe. as a candidate. . This attitude that harry keeps writing includes the sisters that have NO standing whatsoever. . so strange.

On Thu, Mar 29, 2018 at 10:25 PM, Noam Chomsky <[REDACTED]> wrote:

I think Rich Kahn should be informed about this.

Noam received this letter from his children. Their tone is abusive and unacceptable. They are behaving as Nazis. Can't put up with this.

Valeria

----- Forwarded message -----

**From:** Noam Chomsky <[REDACTED]>  
**Date:** Thu, Mar 29, 2018 at 9:54 PM  
**Subject:** Fwd: Some proposals  
**To:** Valeria Chomsky <[REDACTED]>

This is the most painful and depressing letter I have ever received, and surely most shocking, both in style and content. It will take a little time to absorb it before I will be able to respond, beyond a small part.

Perhaps nothing is more shocking -- and depressing, and painful -- than your assumptions.

Take just this stunning paragraph:

"You have replied that you don't think a mediator is necessary. At times you even seem to say that there's nothing to mediate because we have no disagreement! This is hard to fathom. Did you really agree that everything we wrote to you on January 8th was correct? Do you really agree with us that your spending has increased dramatically and unexplainably since you got married and this unprecedented outflow is placing your financial future at risk? Do you really agree that Max's decisions to grant you some principal distributions from the marital trust and ask you for financial information in return are perfectly fair? Of course not. These are some of the deep matters on which we disagree."

You have never answered my letters, but evidently you have never even read them. If you had, you would know the answers to these questions.

In turn, you would know that I not only don't agree that what you wrote is correct, but I went through your letter in detail and showed that it was not correct -- in fact, repeatedly.

Did my spending increase since I got married and placing my financial future at risk? Yes, because my sole source of income, my IRA, was being used for distributions to the family and for taxes and management fees for the entire estate -- almost entirely your estate -- requiring me to withdraw extra funds to pay Alex's medical expenses and funds for the house you own in Wellfleet. And after going well over the mandatory withdrawal, I had to withdraw something to live on. All of these extra withdrawal required exorbitant taxes that I also had to withdraw money to pay. I went through the arithmetic in detail. That answers your question (I'll put aside the way you describe this matter, which apart from ignoring the crucial facts, is shocking beyond belief).

Is it putting my financial future at risk? It certainly was doing so. Of course, if Bainco and Max -- and you now indicate you too -- had continued with these practices, my financial future would have been at extreme risk. But the practices were terminated when I learned about them, and I also got rid of the expensive apartment that I only bought because I thought it would be financed by the sale of the Lexington house and have now rearranged my life so that this enormous drain on my finances is over. And even though I'm the only person I know who doesn't have a pension (you have it, along with the trusts and the properties), I'll manage even though at a standard of living below anything since I was young.

As for Max's demands for intrusive financial information, of course it was not fair or appropriate.

I don't exactly know what words to use for your statement that we need a mediator on deep matters on which we disagree. Quite apart from the fact that there is no basis for disagreement (unless you really do believe that Max's demands were appropriate), just what is a mediator supposed to do? And, to put it bluntly, just what leads you to think you have a right even to pose these questions? Earlier, you said you were doing so out of concern for me. That's hard to believe, in the light of the facts I've reviewed once again. So exactly what is your reason? When you needed something, I always acted out of genuine concern for you, which is also why over the years I put aside enough funds for you so that you and your children (and, so I learn from Alex, grandchildren) will be completely secure. Did I ever ask for financial information before doing so? Or suggest a mediator if we disagreed about your financial situation? Exactly what is going on?

The rest of your letter is again shocking, and I will respond in due course. But perhaps you answer the specific question that I posed to you: do you accept the version of the Marital Trust that Max presented? I will repeat what I have written repeatedly, and you continue to avoid.

According to Max, the Marital Trust was set up so that I would manage my funds and Mommy would manage her funds (and as you put it in an earlier and also shocking letter, she would be concerned with your welfare). If she were the survivor, she would manage all the funds, but not if I am the survivor, because the Trust, set up to save money for the three children, was set up in her name, which required first transferring funds to a Carol Chomsky revocable Trust and then to the marital trust -- the basis for Max's legalistic chicanery.

I am asking again: do you accept this interpretation? If so, let's be clear about it. You suggest in your letter that we can simply ignore the marital trust -- which means, leave it all to you (in obvious violation not only of intent, putting aside law), so that you will have not only the educational trusts, the other trusts, almost all of my pension, the two properties, but also the marital trust. If that is what you want, then simply say so.

As for my being a wealthy man, that's a joke if you look at the fact -- and a little odd, for reasons that I should not have to put into words.

I'll answer the rest in due course, also reviewing again why I had made it clear all along that Max's proposals for a Trustee were irrelevant and you could have saved yourselves the stress you endured.

Meanwhile, I'll perhaps re-read King Lear, and the letter to you about my father that you also apparently didn't read, and then respond to the rest of the letter.

D

PS. I might as well respond to the whole letter, point by point, as before. And I hope that for once you will read what I am writing. I'll put aside the astonishing and offensive tone, though perhaps you might want to think about it.

On Thu, Mar 29, 2018 at 11:31 AM, Harry Chomsky <[harry@chomsky.net](mailto:harry@chomsky.net)> wrote:

I'd like to try a fresh start, with a slightly different approach, to see if we can find a way to communicate better and maybe reach some outcomes we are both comfortable with.

I have a few suggestions for how we might proceed. First, though, I'd like to reflect on what has been going on for the past four months. I have been working hard, with support from Avi, Diane and Max, to try to accommodate some of your requests. We have spent a lot of time, effort, and money from the trust doing so. It has not been pleasant for any of us. Unfortunately, I'm not sure anything we've done has actually helped you. I'm not sure you even see our attempts as accommodating.

**Of course I do not. Furthermore, you would have known this all along if you paid any attention to what I was writing.**

**As I made clear long ago, Max has no standing to choose possible trustees, and in the light of what I have repeatedly described to you, I would have no reason to consider his suggestions. Rather, I should continue with the practice up until now, and what Mommoy would have done had she been the survivor, and pick a trustee to replace Max when he resigns.**

Therefore, before we try any other steps, I'd like to work out a very clear agreement about what each of us is going to do and how we feel it might help. This may seem laborious, but I think it's absolutely necessary in order to avoid further ill will of the sort that has developed in the past few months.

Let me give some examples. On December 14th, after several requests from you and Deborah to replace Max as trustee, Max proposed to Deborah a way to look for a suitable replacement. He suggested he and I make a list of candidates that I would be comfortable with, and you and Deborah could evaluate them and perhaps choose one for me to appoint. Deborah asked Max to proceed with this plan. On at least three other occasions that I know of, you, Deborah and Rich pressed us to expedite the process. We finished our part on January 10th and delivered the names to you and Deborah. After that I heard nothing from you about the process for two months.

**For exactly the reasons I had explained long before, after reviewing our experience with Max. No need to repeat what I just wrote, once again.**

Finally, on March 10th, you told us that you are not planning to evaluate the candidates after all. The time I invested, the stress I underwent, and the trust money that was spent on Max's time were all for nothing. It would have been much more useful if you had told us in December that you did not want to consider any candidate Max might recommend. Then we could have spent the last three months trying to develop a new process, instead of wasting time on a process you did not want.

**This began when I asked that you request Max to stand down as trustee, for reasons I reviewed at length, so that I could pick a replacement, just as I had been doing up until that point. I never asked Max, or you, to pick candidates, and it was always quite clear why I would not consider people who, presumably, accept Max's legalistic chicanery and outlandish interpretation of the marital trust. You seem to have forgotten all of this.**

Also in mid-December, Deborah told Max you urgently needed \$150,000 to pay taxes. Deborah agreed with Max that he is entitled to information about your financial circumstances in order to decide what distributions to approve.

**I can't answer for Deborah, but I have made it clear to you all along that I would not accept the insulting and entirely inappropriate demands for intrusive financial information. You surely knew that all along. Well before this, when I had requested funds from the trust to cover part of the exorbitant tax bill I had because of the way my IRA was being depleted for your benefit, you (Harry) insisted on intrusive financial information, and when I (quite properly) refused this insulting demand, you refused to release the money – again, money for exorbitant taxes because the IRA was being depleted for distributions to family and taxes and management fees for the entire estate, not to speak of the extra expenses for you. I wrote at the time that I found this shocking. All of that was well before I rejected Max's improper demands. It was enough to explain to the trustee why I needed the money: for taxes.**

Nonetheless, because of the urgency to make the tax payments (of which Max had almost no advance notice), Max approved the distribution even without obtaining any financial information from you. Deborah immediately followed up by asking for yet more money, this time \$30,000 for state taxes, but still with no financial information. After you gave your assurance that you would give Max the information he needed, Max approved the extra \$30,000 distribution. We have been waiting since December 21st for you to follow through and provide the information.

**I don't know what you have all been waiting for, or why, but I gave Max all the required information right away: it was needed for taxes**

Perhaps you're still planning to do so. But I fear that the agreement Deborah and Max worked out on your behalf—for you to provide the information along with Max approving \$180,000 in distributions—may have been yet another process you did not want.

**What was worked out was that I would give Max the required information: I needed it for taxes. If he (and you) demand an inquiry into my financial circumstances, that is improper and insulting and, as well before, I of course won't agree**

Starting in late November you began asking me to speak on the phone to your hired advisers Deborah and Rich. I felt very uncomfortable the power imbalance that such a conversation would entail—they are strangers to me, experienced negotiators with very different goals from mine. But you continued to press the issue, insisting it was urgent. I found ways to make both conversations happen while protecting myself from the power imbalance. I spoke to Rich in late November with Max on the line. As far as I know, nothing useful came from the conversation. Rich suggested that you and I should focus on working out our differences directly with each other. Later, in mid-December, I spoke to Deborah alone. I told you both in advance of the call that she would be doing all of the talking and I would just be listening. Despite my disclaimer, during the call Deborah repeatedly pressured me to answer her questions and comments. I simply reminded her that she could not expect me to do so. You sounded surprised and even dismayed by Deborah's report of the call—why was I unwilling to tell her anything about my thoughts? With both of these calls, despite my willingness to subject myself to adverse conditions and my attempts to establish clear boundaries in advance, you seemed entirely unimpressed by the outcome. I think it would have been better to skip the calls, save everybody the stress and expense, and focus instead on steps with more potential for positive results.

**Sorry that you had to endure all of this, but you could simply have said that you don't want to talk to them.**

Finally, on a more personal note, in mid-December you began asking us to explain our perspective on your financial situation. We were reluctant to do so, because we feel that back-and-forth e-mail can be a cumbersome way to resolve fundamental disagreements.

**It would be understandable for you to be concerned about my financial situation, given the tales you were apparently hearing from Max (and maybe Bainco), just as I have always been very much concerned about your financial situations -- which is why you are all multimillionaires, from money I've put aside for you over the years. But if you would read my letters, I explained in detail, repeatedly, why**

**you had no reason for concern. That should end the matter. You seem to feel that there still is disagreement about some matters in which you feel you have some need, and right, to make decisions. I don't know what these matters are. I've repeatedly asked. You haven't answered. Here either. The only disagreement I know about concerns the choice of a trustee to replace Max. If there something else, please let me know.**

In fact, our most recent attempt to engage with you substantively about any of this—in mid-2017, regarding interest on your loan from the marital trust—had utterly failed to help our communication.

**I dropped that matter for reasons I repeatedly explained, and to my amazement, didn't seem to understand. To repeat, for you it was a legalistic matter. For me, it was a family matter. As I explained, I would never have agreed to the loan from within the family if I had thought it was an actual loan. The idea is surreal, to me at least. As you know, I thought I owned the Lexington house, and that the loan was a pure formality, to be paid within a few months when the house was sold. I could hardly believe it when you advised me to consult with lawyers and with Bainco about the loan -- let alone the interest. On this whole matter we do disagree, so fundamentally that I just dropped the matter, putting aside what I always just took for granted: that a loan within a family was a formality, not a legal matter, just as I never lent you money (with interest) when you needed something.**

We felt, and still feel, that our differences with you run so deep that we would need a trained professional to guide us toward listening to each other and trying to understand each other. Nonetheless, after repeated and impassioned requests from you, we decided to write up our perspective and send it to you. We worked hard, scoured our memories, looked through old documents, wrote up what we believed, updated it with minor corrections from professionals who have worked with you over the years, and finally sent it on January 8th. Not surprisingly, part of your response has been to challenge some of our statements. But you've gone beyond that to deny that we could even believe what we wrote—you've attributed our claims to Max or Sam, when in fact we are recounting incidents that we remember because we were present when they happened, such as my meetings with you in April and October of 2014. At times you've even seemed to deny that we wrote anything at all, going so far as to claim that we have never articulated our disagreements with you or tried to discuss them with you! But perhaps the most affecting part of your response has been your distress that we wrote our letter in the first place—you don't understand why we are bringing these things up, why we are persisting with the correspondence. Of course we wrote the letter because you urged us to again and again, but it seems clear that you wish we hadn't written it. Perhaps you wish we didn't actually believe the things we wrote, or perhaps you wish we had simply kept our beliefs private instead of trying to explain them to you. Either way, it was hurtful to us to put so much effort into fulfilling what we thought were your wishes, only to find out that you actually wished we had ignored your pleas and remained silent.

**The part of this that is correct is that I asked you to formulate your disagreements, instead of just writing repeatedly that we had deep disagreements. When you did so, I went through your letter in detail explaining why your beliefs were either wrong or misleading. I did as you say attribute some of the more outlandish constructions to Max, specifically his ludicrous interpretation of the marital trust and the legalistic chicanery on which it was based. I did so because I assumed that it was more of what Max was up to, like the will that I described, not you. When the discussion continued, I finally asked you, in my last letter, whether you agreed with Max about this. In your letter, you didn't answer, so I asked again.**

**I don't know of anything to which I have not already responded.**

**I never wished that you remain silent. Quite the opposite, and very explicitly. I repeatedly asked you explain what your disagreements are (and when you finally did, I responded), and why you were even persisting with this -- I still don't know, and if this was hurtful to you to put so much effort into it, you**

**might ask how I feel when you are insisting on casting an extremely dark shadow over my last years, when I have a right to some peace and tranquillity. I still don't understand. I don't understand why it is different from the situation when my father died, or every other case I know about from friends and family.**

I'm recounting all of these incidents not in order to assign blame, but just to explain the effect your actions have had on me. I've been contorting myself to try to help you in all of these ways. Not only has it not succeeded, but you have not seemed to welcome or even acknowledge my efforts. I am left feeling drained and frustrated. I need to adopt a different way of responding to your requests from here on.

**Sorry you feel drained and frustrated. There is no reason that I can see. As for me, I'm not drained and frustrated. Far more than that.**

I would like to continue trying to help you. Of course I will not agree to every request you make, but I want to take each request seriously. When I feel that I can fulfill a request but I'm not sure of the point of it, I'm going to take more care to discuss expectations with you before I start to invest in the process. We will both need to state very clearly what we intend to do, in what order, and with what contingencies and qualifications. We can each commit to taking certain actions, with the understanding that the other will follow up with complementary actions on their side. Most importantly, we should state what we hope to gain from the process. Merely hearing that you urgently need me to do something will not convince me anymore. I'll need to understand why you need it and how you feel it will help you. If I'm not convinced it will really help, I may decide not to proceed. I'm sorry if this seems harsh, but without this sort of care I'm afraid I will once again take a fruitless path and end up feeling manipulated and resentful.

**No need for you to suffer. There is only one thing for you to be involved in: asking Max to resign, and agreeing to allow me to proceed, as always before, to choose the trustee. If you don't want to do that, just as you didn't want to allow funds when I needed them for taxes (payed for your benefit, as explained), then just make it clear. I see nothing else that is your concern.**

Now, let me propose some ways forward that seem to me possibly productive. These ideas are not mutually exclusive. The first ideas in the list you can execute entirely on your own if you choose—you don't need my agreement or participation. The later ideas are things we could work together on. Of course I'll also listen to any additional suggestions you would like to offer. Do remember that I will cooperate only to the extent that we reach agreement about what you are trying to achieve and how we will both contribute to it; wherever we don't reach agreement, the status quo will remain in place.

### Ignore the marital trust

You are a wealthy man. Leaving the marital trust aside for the moment, you have an IRA worth millions of dollars that provides you a steady income well into the six figures. This income sufficed for all of your personal needs for many years. It actually vastly exceeded your needs. Your explanations for why it no longer suffices do not make sense to us.

**This is a joke in poor taste, particularly from three multimillionaires. You know exactly why the IRA was being rapidly depleted in gifts to you and why I had exorbitant expenses for your benefit until I terminated the practices that were depleting it. What is left will suffice for me assuming that I still have some years to live. I have almost no pension; you have it. But I do receive Social Security. And as long as I can keep teaching, that's a small income. But it all runs out when I die. All. I happen to have a wife. She gave up her family and a successful professional life, and we are carving out a new life together, happily -- apart from the very dark shadow that you insist on casting over it. I want to make sure that she is secure when I die. I don't expect you to take care of her (as David and I did with Ruth), but I want to. And there will be nothing left from this wealth that so impresses you.**

Again and again you have listed the many ways in which you spent your excess income—gifts, tuition, medical payments, rent. Yes, this added up to a lot of expenditure every year. But you ended the gifts in 2015, and your last unusual expenditure that I know of was a medical payment for Alex in September 2016. The numbers you keep repeating actually demonstrate just how little you needed for basic living prior to 2014, and how greatly your personal spending has shot up since, continuing long after you stopped all the gifting.

**This is almost too amazing for words. It's getting boring to repeat, and maybe pointless since you don't seem to be reading my letters, but again. There is a mandatory withdrawal from the IRA. Half was going to family distributions, the other half to taxes and management fees for the entire (your) estate. Then came the "excess income" you refer to. All that is before I spent a cent on living expenses (and remember, there's almost no pension). So I had to withdraw some money to live on. Then come the exorbitant taxes on the extra withdrawals. Your fantasies about my personal expenses shooting up are, perhaps, some tales you've heard from Max. You have no way to know, unless you're hiring personal detectives. But fact they've gone down and are in order, though the losses over earlier years, including the expensive apartment bought on false assumptions, are significant.**

To put it another way: the huge extent of the gifts might explain why you *used to* need excess IRA distributions and large marital trust distributions, and why you *now no longer* need that extra income. But what has actually happened is the exact opposite. During the years of the gifts, you could afford the sum of the gifts *and* your personal expenses, mostly just using the income you had available. Now you have eliminated the gifts, so your income should provide you with enough for personal expenses *and over a hundred thousand dollars per year more*. But it is now that you say you need yet more income.

**This is all pure fantasy. Impossible to comment.**

I have explained this in every way I know how. If you continue to point to the gifts as the reason why you can't live on your income,

**I really have to wonder what is going on. The "gifts" were the total depletion of the IRA on distribution to family and payment of taxes and management fees, mostly for you. That's before the extra expenses for you -- and the exorbitant taxes.**

I don't think I can give a more satisfying answer. It seems we just can't agree on how arithmetic works.

**Because you are simply not looking at it -- and you haven't explained why we are having this conversation. Am I debating your expense with you? Not quite the way it's worked.**

Regardless of whether we reach agreement on this, you could simply decide to make do with what you have in the IRA, and we could stop all further discussion about money.

**The only relevant discussion about money has to do with the trustee for the marital trust. Nothing else. If you want all of the marital trust in addition to the millions I've already set aside for you, then just say so straight out and yes, we can stop all of the discussion.**

Work with Max

You are a beneficiary of the marital trust. You automatically receive all of the income it generates.

**Really? With all of your intensive inquiries into my financial affairs, you can enlighten me on what I've received from the income it generates. News to me. The only thing I've heard, now that I have financial**

**advisers concerned with my interest, is that investments were in securities that yield income in the long term, that is, for you, not for me. Not the way investments are supposed to be done for an elderly person.**

It is perfectly reasonable for you to request principal distributions from the trust as well. There is an established procedure for trusts like this: the surviving spouse describes their need to the independent trustee, who evaluates the situation and decides how much money to grant and when. You don't seem happy with the procedure, but the only person you can blame for setting up the trust this way is Eric Menoyo.

**Eric would never have conceived of the ludicrous interpretation of the trust that Max has given -- and that I've asked you repeatedly whether you agree with. I would really like to know. The established procedure would be for me to say I need X for some purpose, taxes in this case (for reasons you know). Period. The demand for insulting and intrusive financial inquiries is Max's demand, and yours. Further established procedure would be the kind of investment that are appropriate for an elderly person -- but that's part of a larger matter that I haven't spelled out for you.**

Max has already decided to distribute principal to you on several occasions. You have no reason to think he wouldn't do so again in the future, if you make a reasonable case for it. The first step would be to complete your end of the agreement you made in December. At that time, Max wished he could obtain some financial information from you before deciding on the \$180,000 distribution you were requesting. You explicitly agreed that you would provide that information. Max made the distribution in advance of receiving the information. Once you provide him the information you promised, that December transaction will be complete. You can then proceed to discuss your goals for future distributions.

**Already answered.**

#### Replace Max using the plan from December

The terms of the trust, as arranged by Eric Menoyo, dictate that if Max resigns I appoint his successor with concurrence from you. We can still try to make this happen. I'm still willing to appoint any of the three candidates I interviewed in January, if you concur.

**I've already explained why this is not an option, and why I should continue, as before, to appoint a new trustee. As before. That's the way the trust was understood by all concerned, and the way it was handle before I appointed you as trustee and appointed Max.**

If you are certain that you do not want me to appoint any of them—in other words, if you would rather keep Max as trustee than accept any of them—you should tell me clearly so that I can write each of them a final letter closing my dealings with them.

**These are all your affairs. I told you long before that I expected you to ask Max to resign, after which I would appoint a trustee, as always before. If you feel you have to appoint a trustee who interprets the trust as Max does (and maybe you), then just say so. But I have no responsibility for your efforts to achieve this.**

#### Work with me on a new plan to replace Max

You proposed an alternative way to replace Max: that instead of completing the process we began in December, you should simply pick a trustee and I should appoint whoever you choose. I don't accept this proposal. However, I'm willing to look for a different plan that we might both be able to accept.

As I've explained, I'm going to insist that our plan be spelled out in extreme detail, with responsibilities and timelines clearly laid out for both of us. We need to agree on every aspect of the plan first before we start implementing it. I'm

sorry it has to be this way, but I've been burned so many times recently by assuming good faith on your part that I'm just going to have to be more careful now.

**I am sorry that you are unwilling to act as a family, as was the case before I appointed you as a trustee, and insist on a complex legalistic procedure. It's quite unnecessary, unless you have some further motives that you aren't telling about. Max is completely irrelevant. He should be asked to resign, and he has nothing further to say about who should be a trustee. I'm quite amazed about the rest of this. If you insist on it, I will have two choices: (1) drop the matter and assign to you the marital trust along with everything else you already have; (2) proceed as before, appoint a trustee, and then if you insist on this incredible procedure you outline, follow it, and then either accept my appointment, or we return to (1). And if that's what you actually want, then just say so and we can stop wasting time.**

So here is my proposal. Please tell me if you would like to accept it, adjust it, make a brand new proposal, or drop the subject.

1. You develop a list of one or more candidates that you would accept as Max's replacement. Each candidate must have professional qualifications and established expertise in trusteeship of marital trusts in Massachusetts.
2. You send me your list. You send one e-mail message listing all of the candidates. You address the message to both me and Max. The message comes from you, not from Deborah or Rich—I'm not always certain to what degree their opinions or promises reflect yours. For each candidate, the message provides their full name and a URL for a public website that shows their contact information and professional biography. Once you send the list, you are guaranteeing that: a) you will not send more candidates later; and b) you will not withdraw any candidate you have proposed.
3. When you send the message, a two-month period begins. I evaluate the candidates during the period. You do not ask me about my progress during the period or pressure me to complete the evaluation faster. (The choice of two months is somewhat arbitrary, but it mirrors how much time elapsed this winter between Max sending candidates to you and you replying that you would not evaluate them.)
4. If I select one of the candidates, I inform you of my choice before the end of the two-month period. You will have already offered your concurrence. So all that remains is for Max and Deborah to work out the transition process.
5. If I evaluate all of the candidates but there's none that I would feel comfortable appointing, I inform you of that before the end of the two-month period. At that point, the search process ends and Max remains as trustee.

Of course, if this process fails, it's possible we may both want to begin yet another process to replace Max. If we do, we would have to start discussing the new process from scratch. There is no expectation that we would repeat the steps I listed here.

### Continue dialog by e-mail

You have sounded very frustrated by our unwillingness to answer direct questions you pose in your e-mail messages, or to provide a line-by-line rebuttal when we disagree with you. We've done a lot over the years to try to explain our point of view to you, to no avail.

**Sorry, but that is not true. You repeatedly wrote that there are deep disagreements. I asked you to tell me what they were. You finally did, in a letter to which I responded in detail. All that remains, to my knowledge, is your unfounded and false beliefs about my life style, and the question of appointing a trustee for the marital trust**

Engaging in e-mail debate does not seem productive to us. Nonetheless, I'd like to offer some degree of direct response beyond what we've been willing to give you in the past.

Some of your questions are very simple and have straightforward answers. Perhaps it would help if I answer those questions and just push aside the complicated parts.

For example, you've asked repeatedly how we know the prices of your Cambridge condo sale and Tucson house purchase. That's easy to answer. All real estate transactions are part of the public record. Anybody who knows your address can type it in on a user-friendly website and find out when the property changed hands and for how much money.

**I asked why you are even looking into this. That's very odd to start with. I then pointed out that you were quite mistaken. Should I look into what you bought your house for, and what the value is now? By your apparent standards, why not? Did that ever occur to me? Unimaginable.**

As a contrasting example, you wonder whether we agree with the legalistic chicanery by which Max has twisted his interpretation of the purpose of the marital trust. This question is heavily laden with prejudice and false assumptions, and a yes or no answer would not do it justice. You might as well ask us if the king of France is bald.

**Sorry, but it's a straightforward question. To repeat: (1) do you believe that the trust was set up for me to manage my assets and for M to manage her assets? (2) do you believe that because, by law, the Trust had to go through a Carol Chomsky revocable trust before being set up in [REDACTED] name so as to save more money for you, that therefore there is a crucial asymmetry in the rights of the survivor? (3) Do you see a reason why after I appointed you trustee, I have lost the right to appoint the trustees as I always had before?**

**Those are the questions. Nothing about the King of France. It's true that I regard (1) as ludicrous and (2) as legalistic chicanery. But that's irrelevant to the questions. So it would clear the air if you were to answer them.**

Of course most questions fall somewhere in the continuum of complexity between those two. But I am happy to look at questions you may have and answer them to the extent that they are simple.

I'm not going to go back and try to answer the many questions you've raised in your past messages. But from here on, if you ask me a direct question, I will do my best to answer it, and if I feel it's too complicated to answer by e-mail, I will say so.

Responding line by line to your claims seems less promising—that might just lead to an endless back-and-forth argument, wasting both of our time and leading to more misunderstanding than enlightenment. I might try responding directly in some simple cases. However, when I don't reply to a particular claim you should not conclude that I agree with it!

### Plan a meeting with a mediator

We have suggested on many occasions that the best way to break through the logjam in our communication would be to hire a professional who specializes in exactly that—a mediator.

You have replied that you don't think a mediator is necessary. At times you even seem to say that there's nothing to mediate because we have no disagreement! This is hard to fathom. Did you really agree that everything we wrote to you on January 8th was correct? Do you really agree with us that your spending has increased dramatically and unexplainably since you got married and this unprecedented outflow is placing your financial future at risk? Do you really agree that Max's decisions to grant you some principal distributions from the marital trust and ask you for financial information in return are perfectly fair? Of course not. These are some of the deep matters on which we disagree.

**I already responded in the letter above.**

What we really wanted to know was, would you be *willing* to meet with us with a mediator? We still aren't sure of the answer.

**Mediate about what? There are only two outstanding questions: (1) about choice of trustee; (2) why you are insistent on poisoning my last years in this manner, as you are doing. On (1), there is no need for a mediator. Or (2).**

Having a meeting with a mediator would take quite a large commitment from all of us. We'd have to agree on what mediator to hire, find out how they work, pay for their service, and travel to the meeting. This is a big investment of time, energy and money. The only reason to undertake it is if we all believe it could really help us.

At one time I did believe this, and that's why I advocated for the meeting. Now I'm not so sure. Your unwillingness to follow through on your agreements and commitments in the past few months leaves me hesitant to commit resources to a big new project like this.

**Sorry, but you are inverting the matter. I told you long before, when you refused to release money for taxes, that I would not accept intrusive, insulting, and entirely improper financial investigations. And from the very beginning, I made it clear that I was asking you to ask Max to resign so that I could appoint a new trustee as I had always done before. The rest is things you were doing on your own. My only commitment was to explain what I wanted the money for from the fund I had established, as I did.**

But I'm willing to be convinced. If you feel deeply that you want to resolve our disagreements, that talking to us openly could make that happen, and that you want us all to listen and open our minds to different perspectives, then I'd like to try to make that possible. And I truly believe a mediator is part of what we would need to make it work.

--

please note

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of JEE

Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to [jeevacation@gmail.com](mailto:jeevacation@gmail.com), and destroy this communication and all copies thereof, including all attachments. copyright -all rights reserved